

OMBUDSMAN

2009 ANNUAL REPORT



King County

OFFICE OF CITIZEN COMPLAINTS /
OMBUDSMAN'S OFFICE

Ombudsman's Message

2009-2010

I am pleased to present the 2009 annual report of the King County Ombudsman's Office. This is our first annual report since 2002, so we've taken extra effort to describe not only last year's accomplishments, but also more broadly how we do our work.

People turn to the Ombudsman's Office when they need help understanding a county process, feel they've slipped through the cracks, or believe the county has acted wrongly.



We shine a light on county workings, connect people with the resources they need, and help them find solutions. If we've done our job, people feel more trust in county government as a whole after the Ombudsman's Office helps them. And in this uncertain economic era, that can be truly reassuring.

In 2009, our office handled nearly 3,000 inquiries from the public and county employees. This statistic is consistent with a years-long upward trend in contacts to our office. As in past years, nearly half of these contacts came from jail inmates to whom the county is obligated to provide basic needs while they are in custody. The rest cover the spectrum of county services from land use and environmental services to parks, public health, and transportation—in other words, the things that matter most to the people of King County.

Also during 2009, the County Council strengthened employee whistleblower protections, which our office handles, and tasked us with investigating retaliation claims. We've worked hard to educate King County's workforce, from line staff to senior managers, about these improvements.

And last year, our Tax Advisor staff educated thousands of people about their property tax bill, and personally assisted 20% of the county residents who appealed their property tax assessment.

I want to acknowledge the dedication and hard work of our great staff. They make the office function efficiently to the benefit of the public we serve. I also want to extend my appreciation to the King County Council, County Executive and all county employees for their support and cooperation, without which we could not do our work.

We're always interested in your feedback, so please feel free to drop us a note or call to share your comments.

A handwritten signature in black ink that reads "A. Calderwood".

Amy Calderwood
King County Ombudsman

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“The eyes and ears of King County”

The time-honored role of a public advocate, or “Ombudsman,” is more widespread than ever. Every day it seems like another large corporation or government agency establishes an Ombudsman’s office. Coca-Cola, the American Red Cross, ESPN, and the Internal Revenue Service, recently did so. The widely varied missions of these institutions aside, they all recognize the need for an independent, impartial official who is directly available to their citizens, customers or employees.

Ahead on Accountability

King County residents were among the first in the country to recognize the need for an Ombudsman’s Office. In 1968, faced with an increasingly large and complex county government, King County voters approved the Home Rule Charter, which states:

“The County Council shall establish by ordinance an office to receive complaints concerning the operation of county government and shall grant it sufficient power to quickly and efficiently investigate, to make and publicize its findings.”



Ombudsman’s annual report for 1972-73

What We Do

The Ombudsman’s Office is an essential lever of oversight that encourages government improvements, promotes public confidence, and finds solutions for King County residents. Through four decades of change, the office’s central mission has remained the same:

“To promote public confidence in King County government by responding to citizen complaints in an impartial, efficient and timely manner, and contributing to the improved operation of County government by making recommendations based upon the results of complaint investigations.”

2009-2010

To fulfill that formal role, the county code authorizes the Ombudsman to investigate almost any executive branch action, along with county ethics, whistleblower, and lobbyist disclosure complaints. The Ombudsman's independence within the legislative branch of King County government ensures that these investigations are impartial and aimed at improving county operations.

At least as important, the Ombudsman's Office also informally assists residents struggling to navigate the county's sometimes complex systems and rules. We provide information, referrals, and utilize our expertise and accumulated contacts within the county to help one person at a time find solutions to their issues.

Ombudsman's Staff



Left to right: David Spohr, Elise Daniels, Janna Lewis, Amy Calderwood, Chuck Sloane, Lynn Anders, and Jon Stier.

Not Pictured: Steve Birge, Barbara Alsheikh, and Vanthida Keovernkhone

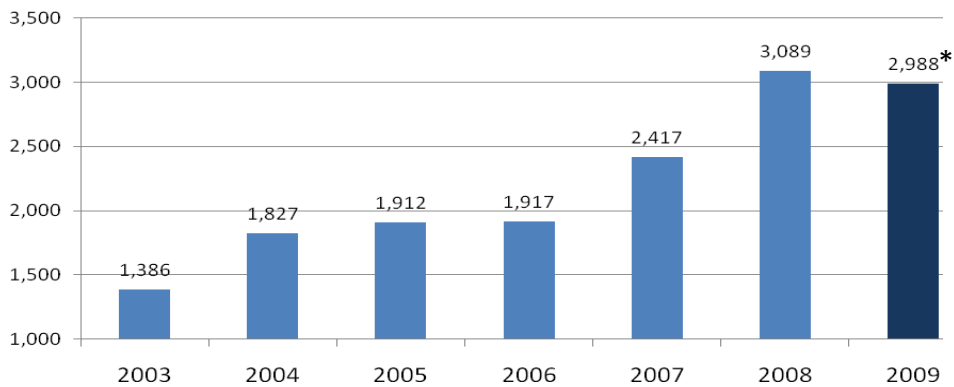
"When employees raise a concern, it's important to conduct a thorough investigation, especially when it's a question of safety for employees or the public."

- King County Councilmember

“We are here for you”

The Ombudsman’s Office received 2,988 complaints and inquiries from citizens and county employees in 2009. This figure represents a 215% increase from 2003. The chart below depicts the steady increase in complaints and inquiries over the past seven years.

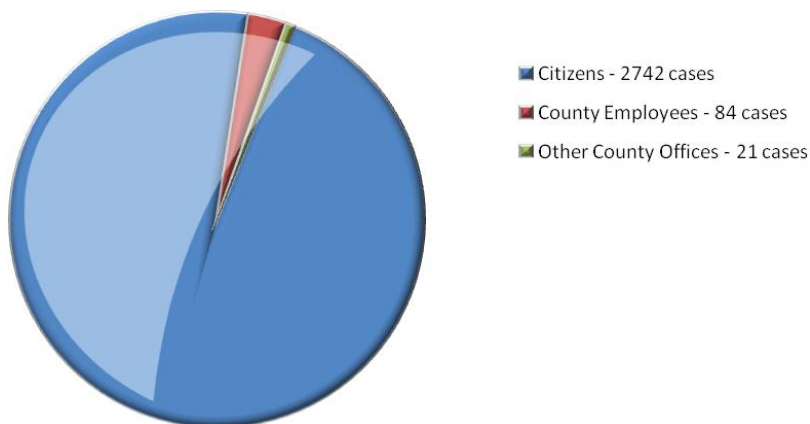
Annual Complaints & Inquiries



*The Ombudsman’s Office was furloughed 10 days for budget reasons in 2009. When those days are considered, our office was on pace to receive 3,102 cases last year.

The makeup of the people who contacted our office to initiate cases in 2009 is detailed in the chart below:

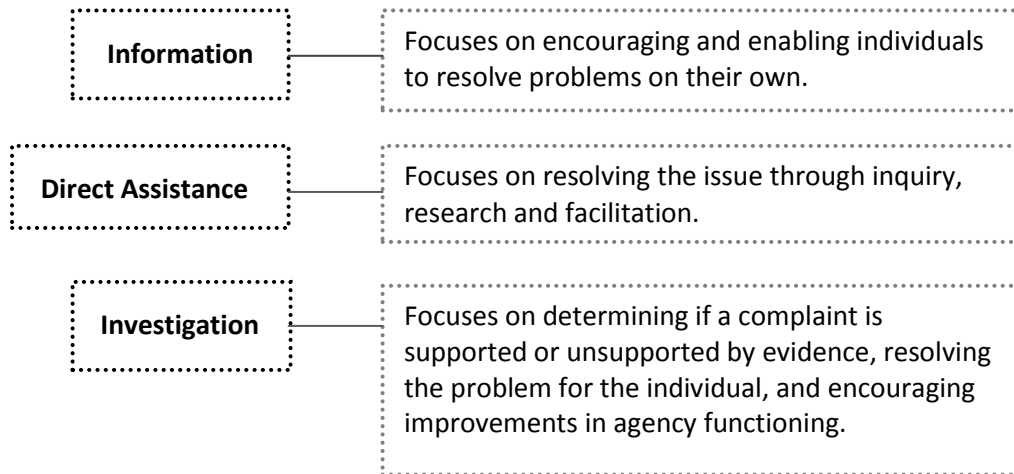
Ombudsman Contacts in 2009



2009-2010

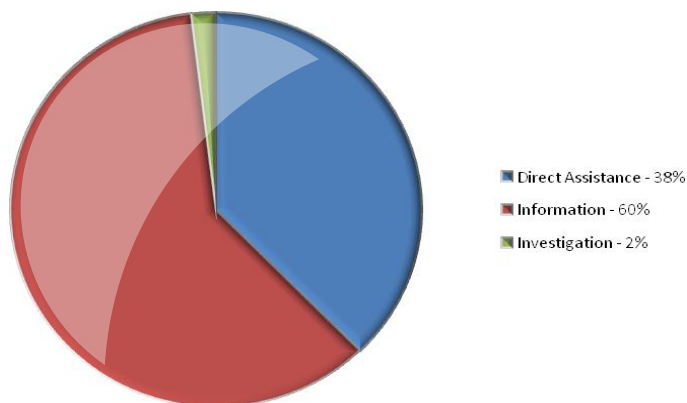
“Examining Public Concerns”

The Ombudsman’s Office reviews each person’s issue individually, to determine the appropriate response. In addition to addressing individual concerns, our office also focuses on complaint patterns which may indicate a systemic issue. Once we fully understand the complainant’s issue, our office responds in one of the following three ways:



In 2009, as in previous years, the majority of public contacts to our office required either direct assistance or information. In addition to these cases, the Ombudsman’s Office also completed 55 investigations.

Disposition of Cases in 2009

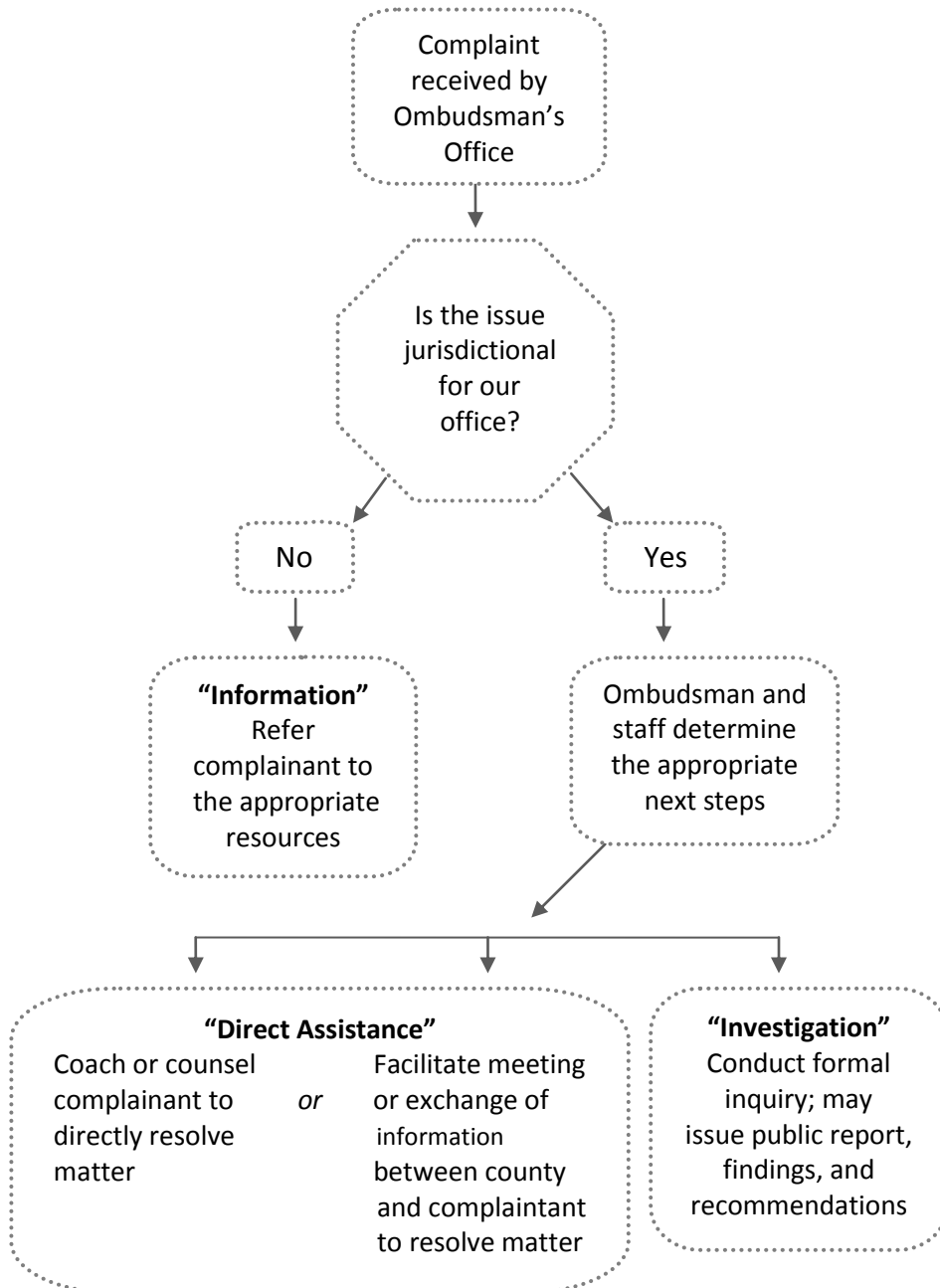


2009-2010

“Thank you again, very much, for taking this on and bringing justice to ‘the system.’”

- Citizen Complainant

The process our office uses to organize constituent inquiries and determine whether they require information, direct assistance or investigation, is shown in the chart below:



2009-2010

"I greatly appreciate how you have conducted your review and response to this complaint."

- King County Finance Director

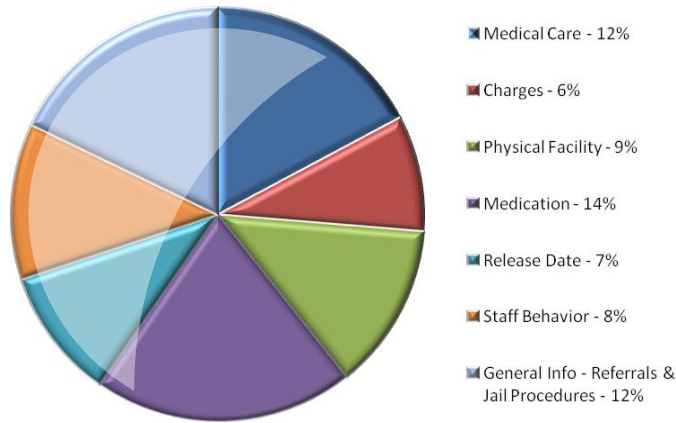
2009-2010

The graph below shows the number of Ombudsman's Office cases associated with each county agency, and reveals how our office responded to the 2,988 complaints and inquiries we received in 2009:

Department	Direct Assistance	Investigation	Information	Total
Adult and Juvenile Detention	418	18	621	1057
Assessments	6	2	18	26
Boards and Commissions	0	1	1	2
Community and Human Services	15	0	63	78
Development and Environmental Services	65	7	34	106
District Court	1	0	10	11
Elections	3	0	4	7
King County Executive	1	0	9	10
Executive Services	29	8	53	90
Metropolitan King County Council	7	1	8	16
Natural Resources and Parks	18	4	21	43
Ombudsman's Office / Tax Advisor	55	0	50	106
Prosecuting Attorney's Office	2	0	13	15
Public Health	371	6	130	507
Sheriff's Office	26	2	38	66
Superior Court	7	0	56	63
Transportation	40	6	34	80
Non-Jurisdictional	9	0	696	705
Total	1074	55	1859	2988

As in previous years, the Ombudsman's Office received a large number of complaints from King County Adult and Juvenile Detention (DAJD) facilities. This is perhaps because King County is responsible for all inmates' basic needs while in custody and because inmates may access the Ombudsman's Office through a dedicated phone line. In 2009, our office received 1,057 complaints associated with DAJD. In addition, 459 of the 507 cases concerning Public Health were jail health issues. Complaints originating from jail inmates represented 51% of the total complaints received by our office. The most frequent issues are shown in the chart on the following page:

Frequent Inmate Issues in 2009

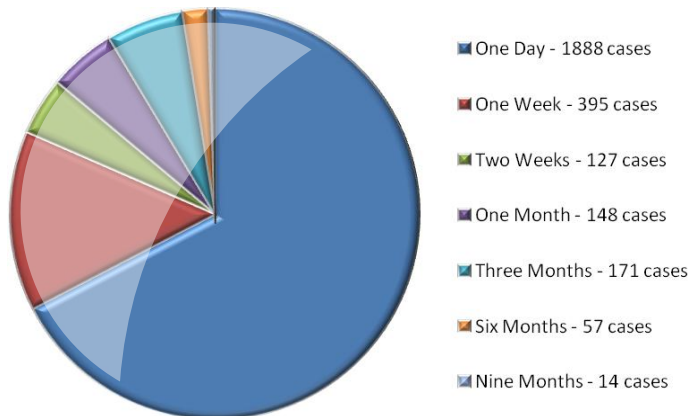


In addition to the issues highlighted in the chart above, the Ombudsman's Office also received a significant number of inmate complaints related to classifications (4%), commissary (4%), court dates (3%), dental care (2%), legal representation (3%), property (2%), and work release (6%).

Responsive to Citizens

The Ombudsman's Office may investigate issues arising from any executive branch agency, though we ordinarily ask residents to try resolving an issue with a county official or department directly first. We know processes within any large institution can be frustrating, so when we get involved, we strive to resolve complaints quickly. In 2009, we resolved 90% of our cases within one month.

Amount of Time to Close Cases in 2009



2009-2010

"Thank-you, thank-you, thank-you, I have been really worried about my eye and after your call yesterday, someone here finally checked it out."

- Inmate
King County Jail

Better Protections for Whistleblowers

The Ombudsman's Office worked with the County Council to strengthen the protections available to county employees who report wrongdoing within county government. In June 2009, the Council unanimously approved the following changes to the King County Whistleblower Protection Code:

- Broader definition of "improper governmental action," enabling employees to report additional types of governmental misconduct.
- A longer period of time for employees to submit a retaliation claim. Previously, employees were required to submit retaliation claims within thirty days. They now have six months.
- Increased list of county officials who may receive whistleblower reports.
- Protection for employees who report outside the chain of command and who give evidence as witnesses.
- Mediation to resolve complaints in appropriate cases.

The changes in the Whistleblower Protection Code also added responsibility for investigating whistleblower retaliation claims to the Ombudsman's portfolio. This is a significant change. Previously, supervisors from the department in which the alleged retaliation occurred investigated retaliation claims. The Ombudsman's Office welcomes its new role in responding to retaliation claims. County employees who are willing to report wrongdoing deserve the support and protection offered by this new legislation.

Ethics & the Public Trust

First enacted in the early years after Home Rule, the county's ethics law ensures that employees keep their public duties and private interests separate. The Ombudsman's Office enforces this necessary policy, which helps ensure the impartiality and honesty of public officials.

While the Ombudsman's Office routinely handles informal ethics inquiries, in 2009 we received five formal ethics complaints against employees. We fully investigated the allegations, and found a violation in one case. A county employee who was a candidate for public office sent an email, soliciting support for the employee's campaign, over county equipment to county employees. The violation was inadvertent and the employee committed to ensuring it would not be repeated.

The small number of formal ethics complaints may be due to a high level of awareness resulting from outreach efforts by the Board of Ethics, and publicity from the Ombudsman's past ethics findings.

2009-2010

"We want to encourage our employees to let us know when they see misconduct in county government. To do that they need to feel confident that managers will not retaliate against them. This is a step toward a more accountable government."
- King County Councilmember

“Finding Solutions”

Statistics may not convey the true scope of our work. The case summaries below are a snapshot of how we have affected the lives of thousands of King County residents in 2009.

“Cabin Fever”

The Ombudsman’s Office received a call from “Harvey” (not his real name), whose cabin had been completely destroyed by a fire. He was worried that he was on the verge of losing his right to rebuild.

Harvey’s original cabin was “grandfathered.” The building code allowed him to rebuild, as long as he submitted a complete building application within a year from the day the cabin burned down. After eleven months of working closely with county agencies and contractors, Harvey knew that he would not be able to complete his application before the deadline. When he voiced this concern to officials in the King County Department of Development and Environmental Services (DDES), they were adamant that if he did not submit a complete application within 365 days from the date of the fire, he would forfeit the cabin’s grandfather status, and he could not rebuild.

We conducted a thorough legal analysis of Harvey’s situation and found that, under the law, Harvey’s failure to meet the one year deadline created only a presumption of forfeiture. Citizens in Harvey’s situation should be allowed to challenge the one-year deadline if, during that year, they had taken steps to rebuild. We conveyed our legal analysis in a lengthy memo to DDES and expressed a concern both for Harvey’s case and for a perceived pattern in similar cases.

Upon review of this memo, DDES agreed with our interpretation of the code. DDES then allowed Harvey’s reconstruction efforts to continue, committed to training agency staff, and most recently received County Council approval for a clarification to the county code. We are optimistic that this recent code change will help citizens, like Harvey, who are committed to rebuilding their homes, businesses *and* cabins.

“Mended fence makes good neighbors”

The King County Department of Community and Health Services (DCHS) and an association of neighbors asked for the Ombudsman’s assistance in resolving an ongoing dispute. The neighbors were adamantly opposed to a DCHS plan to convert a vacant county property in their community into a campus for social services. By the time the parties asked us to mediate the dispute, DCHS and the neighbors had been engaged in lengthy and costly litigation. The neighbors had successfully sued King County to stop the development; however, DCHS was appealing the trial court’s decision. Needless to say, the relationship had become increasingly sour.

After extensive research, site visits and preparatory meetings with DCHS and the neighbors, we hosted a mediation session. In the face of a multi-million dollar development that would affect the surrounding community and the greater county for decades to come, the stakes were high. After spirited negotiations, we were able to broker an initial agreement. The neighbors agreed to allow the county’s proposed development *if* DSHS agreed to limit the size and scope of the development and provide additional mitigation for the affected neighbors.

We have continued our involvement in the weeks and months following the mediation, as the parties negotiated implementation of the settlement. In the end, it appears that the solution on some level meets the needs of the neighborhood, allows an important social service to operate, and puts an end to a costly legal struggle.

“Dog Day Afternoons”

A county employee named “Derek” (not his real name) alleged serious, ongoing problems in the county’s animal shelters. Upon receiving his allegations, we began researching and analyzing the problems Derek described and then met with him to discuss all of the options for addressing the issues.

Derek hoped to see significant changes in the animal shelters, but he worried about reprisals if others knew he was the whistleblower. At the time, there were other ongoing efforts to address animal care and control in King County. After some discussion with Derek, we jointly agreed that the Ombudsman’s Office would leave open the option to formally investigate in depending on how events unfolded, but not right away.

2009-2010

I want to extend my sincere thanks to you both for your efforts to bring the parties together in this difficult matter. Your willingness to serve as mediators was instrumental in facilitating our resolution.

- Deputy
Prosecuting Attorney

2009-2010

Several weeks later, Derek shared with us his fear that supervisors and co-workers knew he had complained to the Ombudsman and were starting to treat him differently. Derek was worried about his personal safety, and requested a temporary transfer to another section within the Department of Executive Services (DES). While the Ombudsman cannot order a transfer, after carefully examining the situation we asked the DES director to consider action due to the unique features of Derek's circumstances and work environment. In response to the Ombudsman's request, the DES director ordered Derek transferred to another section. Later follow-up found that Derek was doing well in his new position.

"Time is Money"

"Clarence" (not his real name), an inmate at the Maleng Regional Justice Center (MRJC) was worried that the jail had incorrectly calculated his time in custody and that, as a result, he would have to spend an additional month in jail. We began researching his allegation and decided to contact the Department of Adult and Juvenile Detention (DAJD) after we found a discrepancy between the available information and Clarence's scheduled release date.

After discussing the matter, a DAJD official agreed to review Clarence's time in custody and found that Clarence's correct release date was indeed a month earlier than scheduled. As a result of the Ombudsman's inquiry, Clarence served the appropriate amount of time for the crime he committed *and* King County saved the costs associated with incarcerating him for an additional month – approximately \$3,500.00.

"A Second Chance"

"William" (not his real name) applied for a temporary position with the Department of Adult and Juvenile Detention (DAJD). The position he was interested in would have provided flood mitigation assistance at a number of county facilities, including the Maleng Regional Justice Center.

William received a letter from DAJD informing him that he would not be considered for the position because he had been untruthful in his application materials. He didn't understand what about his application was untruthful and began contacting every county official that he could find to try to find out. William was frustrated and expressed his fervent belief that he had told the truth on his application.

We contacted DAJD and with William’s consent, the department agreed to provide a copy of his application materials to our office. Upon review of these materials, we realized that William had indeed failed to mention, or was vague about, his criminal background. When presented with this information, William acknowledged that he suffered from some cognitive impairment and that his vague response was actually the extent of what he remembered about his criminal history.

We contacted the hiring official at DAJD, who was sympathetic to William’s impairment and recognized that William had a good track record in previous temporary positions with the county. While the position William had applied for was not feasible for someone with William’s criminal background, the hiring official stated that he would consider William for other positions. The hiring official also provided the criminal background information that William would need to include in any future applications.

We met with William to ensure that he understood what his application was missing and how it could be corrected in the future. We shared the information the DAJD hiring official had provided and also introduced William to the administrator of the county’s worker training program. The administrator explained how his program helped citizens complete job applications and personally offered to work with William on any future applications for county positions.

“At What Price Supplies”

King County approved a new contract for office supplies after a request for proposal (RFP) process that considered multiple vendors. After the contract was awarded, “Dorothy” (not her real name), a resident with an understanding of the office supplies market, submitted a complaint alleging that the county had selected the wrong vendor and that the mistake would cost the county five million dollars over the next decade. Dorothy also sent her complaint to the Seattle Post-Intelligencer, which detailed the alleged mistakes and potential costs in a front-page article.

After an extensive investigation, we concluded in a public report that the county made three mistakes in its review of the RFP submissions. While these mistakes were significant, we determined that even if all three of the mistakes were corrected, the outcome would not have changed; the same vendor would have received the contract.

2009-2010

“Having your help has meant more to us than words can convey. You came along when we had almost given up. Thanks to you there was a resolution that will result in everyone coming away from this event as happy as possible.”

- Citizen
Complainant

In addition, we found that the potential costs described in the complaint were in some ways overstated and that the county's Finance Division had followed their procedures when it considered all of the costs associated with this contract.

As a result of this complaint and the Ombudsman's investigation, the King County Finance Division made a public commitment to revise its RFP process to ensure that these types of mistakes do not happen again.

2009-2010

“Property tax questions... answered”

The Tax Advisor Office, a division of the Ombudsman’s Office, provides property owners with information and resources regarding all aspects of the property tax assessment process, and offers specific guidance for those who are considering an appeal of their assessment.

The assistance we provide helps support fair and equitable taxation, especially in cases where the King County Assessor may not have known or considered significant new property information during the valuation process. To facilitate this process, we regularly provide:

- Comparable sales searches,
- Reviews of GIS and other mapping resources,
- Records and deed research,
- Information on property tax exemptions for seniors and disabled persons;
- Home improvement, current use and open space exemptions,
- Segregation or merger for multiple parcels, and
- Assistance resolving complaints about other departments.

2009 in Review

The Tax Advisor Office responded to 6,274 contacts during FY-2009. A signature function of our Office is assisting citizens with their property tax appeals. In 2009, we provided sales research to 619 (10%) of our contacts. This represents 20% of all taxpayers who filed appeals with the Board of Equalization for single family homes.

In addition to appeal assistance, the Tax Advisor’s Office also provides a vital customer service each year in February, April, and October, when property tax bills are mailed and payment is due. During these months, we receive thousands of calls from citizens who have questions about their tax bill, and we take other Treasury-related questions throughout the year.

These complaints have come from seniors, families, the unemployed, and every income level of taxpayer. A great majority of these complainants have expressed renewed confidence in the assessment process after having a chance to vent and then being given an opportunity to learn how it works.

The Tax Advisor Office benefited from recent technology upgrades in the Assessor's Office which have also improved public access to assessment information. As a result, we are able to provide more information to citizens than ever before. In addition, we have transitioned to a paper-less response system, thereby reducing our typical response time from five days to same day responses in most cases. We look forward to finding additional ways to streamline our work flow and improve our productivity.

Below is a sample of some of the individual cases that our office resolved in the past year:

"Teamwork pays off"

"Joseph" (not his real name) a mentally disabled man contacted our office for assistance after he discovered that his legal guardian had not paid tax his property taxes in three years and he was on the verge of losing his home. Working with Treasury and a city of Seattle Neighborhood Service Center manager, we were able to help this man apply for a disability exemption and then the deferral program. As a result, his tax bill dropped from thousands of dollars to less than \$200 per year, allowing him to stay in his home.

"Subtraction by addition"

In 2009, several very low income taxpayers contacted our office for help in reducing their property taxes. While these citizens were not eligible for the existing senior or disability exemptions, our office was able to provide information on programs that could assist them with emergency repairs, low-income weatherization, special power rates, and other assistance. These programs enabled the homeowners to save money through repairing their homes and significantly improved their living conditions.

"Fair market value"

"Mark" (not his real name) called us about the value of his property on Beaver Lake. A critical area study indicated that he could not develop his parcel because there was insufficient buildable area for both a house and a septic drain field. We advised him to provide this information to the Assessor's Office, who subsequently reduced his property value from \$971,000 to \$329,000 and initiated three years of tax roll corrections which resulted in a tax refund of \$9,500!